

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas,
Tuesday, May 7, 1907.

The Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Alexander. Holsey.

Absent—Excused.

Looney.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Stone, the same was dispensed with.

(See Appendix for committee reports.)

There being no bills and resolutions, the Chair declared the morning call concluded.

EXECUTIVE SESSION—TIME SET FOR.

Senator Terrell moved that today at 11 o'clock be designated as the time for the Senate to hold executive session to consider the appointment sent to the Senate by the Governor yesterday.

The motion was unanimously adopted.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 59, A bill to be entitled "An Act to amend Sections 2, 3, 4, of an act passed by the Thirtieth Legis-

lature of the State of Texas, and approved April 3, A. D. 1907, entitled 'An Act to amend an act entitled an act to amend Section 1 of an act entitled an act to amend an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 24, 1885; to create the Forty-third Judicial District of the State of Texas; fix the time for holding court therein, and to provide for the appointment of a district judge for said district, approved March 30, 1887; to create the Forty-eighth Judicial District of the State of Texas, fix the times for holding court therein, and fix the times for holding court in the Seventeenth Judicial District of the State of Texas, and to provide for the appointment of a district judge of the said Forty-eighth Judicial District, passed by the Twenty-second Legislature of the State of Texas, approved February 6, 1891, and to create the Sixty-seventh Judicial District of the State of Texas, fix the times for holding the district courts in Tarrant county, Texas, and to define the jurisdiction thereof, and to provide for the venue of causes in said courts, and to provide for the appointment of a district judge for the Sixty-seventh Judicial District of Texas, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 35, A bill to be entitled "An Act to amend Title XXX, Chapter 16, Article 1360, Revised Statutes of the State of Texas, 1895, relating to bills of exceptions."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 35, to Judiciary Committee No. 1.

SENATE BILL NO. 18.

The Chair laid before the Senate, on second reading,

Senate bill No. 18, A bill to be entitled "An Act to authorize the district courts to employ a stenographer, to provide compensation therefor, and to repeal Chapter 112, page 209, General Laws of the Twenty-ninth Legislature, passed at its Regular Session, and with an emergency clause."

The question on the bill was the substitute amendment by Senator Glasscock for the amendment by Senator Chambers, and the amendment by Senator Senter to the Chambers amendment.

Senator Terrell moved to reconsider the vote by which the Meachum amendment to the substitute by Senator Skinner was on yesterday tabled.

The motion to reconsider prevailed.

Action then recurred on the amendment to the substitute, which is as follows:

Amend the substitute by striking out the last lines thereof, beginning with the word "provided."

The amendment to the Skinner substitute was adopted.

Action then recurred on Senator Glasscock's substitute for the pending amendments.

Senator Senter moved to table the substitute, which motion to table prevailed.

Action then recurred on the amendment by Senator Senter to the amendment by Senator Chambers, and the same was adopted.

The Chambers amendment, as amended, was then adopted.

Senator Skinner offered the following amendment, which was adopted:

Amend the bill by inserting after the word "any" in line 24, Section 8, page 4, the word "criminal."

Senator Senter offered the following amendment, which was adopted:

Amend the bill by adding to Section 8 the following:

"Sec. 8a. If any party to any suit or any other person desires a statement of the oral testimony introduced on the trial of any civil cause in which the stenographer has taken stenographic

notes of the evidence, or a statement of the testimony of any witness in said cause, such party or his attorney may obtain the same from the stenographer by making application therefor to him in writing, and by paying for such statement at the rate of 10 cents per folio of one hundred words."

Senator Chambers offered the following amendment, which was adopted:

Amend the bill, page 6, Section 13a, line 30, by striking out the words "as provided for under former laws," and insert in lieu thereof the following: "Provided, either party may prepare such statement of facts for himself, and when submitted to the opposite party agreed to by him, and approved by the court, shall be filed as the statement of facts on appeal in said cause; and provided further, in case either of said parties to such suit shall prepare for himself such statement of facts independent of such court stenographer, and the same shall not be agreed to by the opposite party, then such opposite party or his attorney of record shall prepare and file with the court in time for such statement to be made up and filed finally and approved by the court within the time as required by law for the filing and approving such statement of facts; the statement of facts as desired by him, and the judge of such court shall then make such statement of facts, which, when so made out by the judge of the trial court, shall be approved by him and filed as the statement of facts on appeal in said cause."

MEACHUM,
CHAMBERS.

Senator Skinner offered the following amendment:

Amend the bill by striking out all after the word "copy," in line 7, page 5, down to Section 9, and insert in lieu thereof the following: "So furnished."

Senator Terrell moved the previous question on the amendment and the bill, but the same was not seconded.

The amendment by Senator Skinner was then adopted.

Senator Stone offered the following amendment:

Amend the bill by striking out the word "shall," in line 21, page 1, and insert in lieu thereof the following: "May when in his judgment it becomes necessary."

EXECUTIVE SESSION.

The Chair here announced that the hour, 11 o'clock a. m., had arrived, which

time had been previously designated by the Senate to hold executive session for the purpose of considering the appointment sent to the Senate by the Governor on yesterday, and the chamber was cleared of those not entitled to remain.

In executive session the following confirmations were had:

To be commissioners of the city of Corsicana, Texas—C. H. Allyn, S. A. Pace, J. H. Woods.

IN THE SENATE.

Action recurred on Senate bill No. 18, the question being on the amendment by Senator Stone.

Senator Chambers moved to table the amendment, which motion to table was lost by the following vote:

Yeas—11.

Chambers.	Meachum.
Cunningham.	Senter.
Griggs.	Terrell.
Hudspeth.	Veale.
Masterson.	Watson.
Mayfield.	

Nays—15.

Barrett.	Kellie.
Brachfield.	Murray.
Faust.	Paulus.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	

Absent.

Alexander.	Holsey.
Glasscock.	Willacy.

Absent—Excused.

Looney.

The amendment was then adopted.

Senator Smith offered the following amendment, which was adopted:

Amend Section 1 of the printed bill by adding thereto the following: "But no official stenographer or deputy thereof, while acting as such, shall be the private stenographic employe of any lawyer or firm of lawyers practicing law in the court making such appointment, during the official term of such stenographer. Any official stenographer who violates any of the provisions of this section of the act shall be discharged by the court making the appointment."

Senator Skinner moved the previous question on the bill, which motion, being duly seconded, was so ordered.

Bill read second time, and ordered engrossed.

On motion of Senator Chambers, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Kellie.	Watson.
Masterson.	Willacy.

Absent.

Alexander.	Holsey.
Glasscock.	Hudspeth.

Absent—Excused.

Looney.

The bill was read third time, and passed by the following vote:

Yeas—26.

Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Kellie.	Watson.
Masterson.	Willacy.

Absent.

Alexander.	Holsey.
Glasscock.	Hudspeth.

Absent—Excused.

Looney.

Senator Chambers moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 62.

On motion of Senator Willacy, the pending order of business (Senate bill

No. 1) was suspended, and the Senate took up, out of its order, Senate bill No. 62.

The Chair laid before the Senate, on second reading,

Senate bill No. 62. A bill to be entitled "An Act appropriating the sum of \$7000, or so much thereof as may be necessary, to pay the mileage and per diem of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature, and declaring an emergency."

On motion of Senator Willacy, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Alexander. Holsey.

Absent—Excused.

Looney.

The bill was read third time, and passed by the following vote:

Yeas—25.

Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Alexander. Murray.
Barrett. Skinner.
Holsey.

Absent—Excused.

Looney.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE CONCURRENT RESOLUTION NO. 2.

On motion of Senator Willacy, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, Senate Concurrent Resolution No. 2.

The Chair laid before the Senate

Senate Concurrent Resolution No. 2, Be it resolved by the Senate, the House of Representatives concurring, That the Comptroller be and is hereby authorized to draw warrants to pay the balance due and to become due to members, officers and employes of the Regular Session of the Thirtieth Legislature out of the appropriation made to pay the per diem pay of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature, and declaring an emergency."

On motion of Senator Willacy, the committee report, which provided that the resolution be not printed, was adopted.

The resolution was read, and adopted by the following vote:

Yeas—27.

Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Alexander. Smith.
Holsey.

Absent—Excused.

Looney.

Senator Willacy moved to reconsider the vote by which the resolution was passed, and lay that motion on the table. The motion to table prevailed.

SENATE BILL NO. 44.

Senator Brachfield moved that the pending order of business (Senate bill No. 1) be suspended, and the Senate take up, out of its order, Senate bill No. 44 (the 2-cent passenger rate bill). (Senator Meachum in the chair.)

RECESS.

Pending prolonged discussion on the motion,

Senator Smith, at 12:30 o'clock, moved that the Senate recess until 2 o'clock today.

Senator Kellie moved, as a substitute, that the Senate recess until 3 o'clock today.

Action being on the longest time first, the motion to recess until 3 o'clock prevailed.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SPECIAL COMMITTEE REPORT.

By Senator Cunningham (by unanimous consent):

Austin, Texas, May 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your committee to investigate the heating apparatus of the capitol building, would respectfully report that we have investigated same, and recommend that minor repairs be made to boilers; that duplicate set of vacuum steam pumps be installed for the purpose of utilizing the exhausted steam now being wasted; that the entire radiator system of the building be connected with automatic regulation valves, and that the main pipe near to entrance to boiler plant be taken up and reconstructed.

Cunningham, Chairman; Willacy, Mayfield.

On motion of Senator Cunningham, the report was adopted.

SENATE BILL NO. 44.

Action recurred on the motion by Senator Brachfield to suspend pending business, Senate bill No. 1, and take up, out of its order, Senate bill No. 44 (the 2-cent passenger rate bill).

(Senator Veale in the chair.)

Pending discussion on the above motion by Senator Brachfield, he asked unanimous consent to have the following proposed amendment to the bill printed in the Journal. There being no objection, the same is here given:

Amend the bill by adding the following:

"Article 4542a. It is hereby made the duty of the Railroad Commission of this State to divide the railway companies of the State of Texas into groups, based on the gross earnings of said companies per mile, for the year ending June 30, 1906. Group 1 shall consist of all those roads having gross earnings of \$7000 or over per mile; group 2 shall consist of all those roads having gross earnings of \$5000 and not exceeding \$7000 per mile; group 3 shall consist of all those roads having gross earnings of less than \$5000 per mile. Said Railroad Commission shall have and it is hereby given full power and authority upon application and after hearing to exempt from the operation of this act all roads in groups 2 and 3, and as to any roads so exempted said Commission shall fix a rate, which shall be uniform in each class and which shall in no instance exceed 3 cents per mile. Said Commission is further authorized and empowered to reclassify said roads according to their gross earnings during any subsequent year or years and fix passenger rates for all railway companies falling within groups 2 and 3 in accordance with the rules laid down and provided in this section."

The motion to take up Senate bill No. 44 was lost by the following vote, a two-thirds vote being necessary:

Yeas—11.

Barrett.	Paulus.
Brachfield.	Senter.
Chambers.	Skinner.
Harper.	Smith.
Mayfield.	Veale.
Murray.	

Nays—14.

Cunningham.	Harbison.
Faust.	Hudspeth.
Glasscock.	Masterson.
Green.	Meachum.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Watson.

Absent.

Alexander.	Holsey.
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(Lieutenant Governor Davidson in the chair.)

PAIRED.

Senator Kellie (present), who would vote "nay," with Senator Looney (absent), who would vote "yea."

Senator Terrell (present), who would vote "yea," with Senator Willacy (absent), who would vote "nay."

Pending the recording of the above pairs,

Senator Watson appeared in the chamber, and was recorded as voting.

Senator Chambers made the point of order that Senator Watson was not in the bar of the Senate when the roll call was ordered, and had no right to vote.

The Chair overruled the point of order.

Senator Meachum moved to reconsider the vote by which the Senate refused to take up the bill, and lay that motion on the table.

The motion to table prevailed by the following vote:

Yeas—14.

Cunningham.	Hudspeth.
Faust.	Kellie.
Glasscock.	Masterson.
Green.	Meachum.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Watson.

Nays—12.

Barrett.	Murray.
Brachfield.	Paulus.
Chambers.	Senter.
Greer.	Skinner.
Harper.	Smith.
Mayfield.	Veale.

Absent.

Alexander.	Holsey.
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Absent—Excused.

Looney.

PAIRED.

Senator Terrell (present), who would vote "nay," with Senator Willacy (absent), who would vote "yea."

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bills:

House bill No. 40, A bill to be entitled "An Act to validate certain levies of county taxes and proceedings thereunder, and declaring an emergency."

House bill No. 105, A bill to be entitled "An Act to authorize and empower the city of Galveston to convey to the United States of America a certain area or tract of land in Galveston Bay for immigration station and for other governmental purposes, and to cede to the said United States jurisdiction over the same, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Senator Chambers) had referred, after their captions had been read, the following House bills:

House bill No. 40, to Committee on Internal Improvements.

House bill No. 105, to Committee on Federal Relations.

HOUSE BILL NO. 13.

On motion of Senator Stokes, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, House bill No. 13 by the following vote:

Yeas—18.

Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Paulus.
Cunningham.	Smith.
Greer.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Hudspeth.	Watson.

Nays—8.

Faust.	Masterson.
Glasscock.	Murray.
Green.	Senter.
Griggs.	Skinner.

Absent.

Alexander.	Kellie.
Holsey.	Willacy.

Absent—Excused.

Looney

The Chair laid before the Senate, on second reading,

House bill No. 13, A bill to be entitled "An Act to tax property passing by will or by descent or by grant or gift, taking effect on the death of the grantor or donor."

The committee report, with amendments, was adopted.

Senator Smith offered the following amendment:

Amend Section 1 of the printed bill as follows:

(1.)

Strike out all of lines 27 and 28, page 1, and insert therefor the following: "Except the father, mother, husband, wife or direct lineal descendants of the testator, intestate, grantor or donor."

(2.)

Strike out all of Subdivision (1) of Section 1 of the printed bill.

Pending.

(Senator Chambers in the chair.)

RECESS.

On motion of Senator Terrell, the Senate, at 6:10 o'clock, recessed until 8 o'clock tonight.

AFTER RECESS.

(Night Session.)

The Senate was called to order by President Pro Tem. Barrett.

SENATE BILL NO. 13.

Action recurred on Senate bill No. 13, the question being on the amendment by Senator Smith, and pending discussion of same the Senate adjourned.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 59, "An Act to amend Sections 2, 3 and 4 of an act passed by the Thirtieth Legislature of the State of Texas, and approved April 30, A. D. 1907, entitled 'An Act to amend an act entitled an act to amend Section 1 of an act entitled an act to amend an act to amend an act entitled an act to redistrict the State into judicial districts and fix the time for holding court therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on

the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 24, 1885, to create the Forty-third Judicial District of the State of Texas; fix the times of holding court therein and to provide for the appointment of a district judge for said district, approved March 30, 1887; to create the Forty-eighth Judicial District of the State of Texas, fix the times for holding court therein, and to fix the time for holding court in the Seventeenth Judicial District of the State of Texas, and to provide for the appointment of a district judge of the said Forty-eighth Judicial District, passed by the Twenty-second Legislature of the State of Texas, approved February 6, 1891, and being Chapter 3 of the General Laws of Texas of 1891, and to create the Sixty-seventh Judicial District of the State of Texas, fix the times for holding the district courts in Tarrant county, Texas, and to define the jurisdiction thereof and to provide for the venue of causes in said court and to provide for the appointment of a district judge for the Sixty-seventh Judicial District of Texas, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 2, "An Act to amend Article 2439a, Chapter 41, Title XLV, of the Revised Civil Statutes of Texas, relating to fees of office charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature of Texas, and adding thereto Article 2439a, prohibiting the approval or payment of any account or claim to any official who refuses or fails to take out his commission, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Glasscock, the Senate, at 10:05 o'clock, adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

PETITION.

By Senator Glasscock:

Austin, Texas, May 7, 1907.

Hon. Geo. W. Glasscock, State Senator,
Austin, Texas.

Dear Sir: We, the undersigned voters of Travis county, respectfully request

you to vote for the bill, now pending in the Legislature, reducing the railroad fare on all roads in Texas from 3 to 2 cents per mile; and we believe that a majority of the voters of this county desire such reduction to be made.

Numerously signed.

COMMITTEE REPORTS.

(Majority Report.)

Committee Room,
Austin, Texas, May 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 4, A bill to be entitled "An Act providing for the levy and collection of an occupation tax upon individuals, companies, corporations and associations pursuing any of the occupations, etc., and giving the State Revenue Agent authority to assist in the enforcement of the provisions of this act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendments:

Strike out of the caption the words "Brewery business and wholesale distributors or dealers in beer or malt liquors; and defining wholesale distributors and dealers."

Amend by striking out Section 10 of the bill.

Amend by striking out Section 11 of the bill.

Amend by striking out Section 12 of the bill.

Amend by striking out Section 13 of the bill.

Amend by striking out Sections 1 (1), two (2), three (3), six (6).

Amend by striking out of the caption the following words: "Express companies," "telegraph and wireless telegraph," "gas, electric light, electric power or waterworks, or water and light plant business," "business of owning, operating, renting or leasing pipe line or pipe lines," "the business of street railway companies."

WILLACY, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, May 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Finance Committee, to whom was referred

House bill No. 4, A bill to be entitled "An Act providing for the levy and collection of an occupation tax upon individuals, companies, corporations and associations pursuing any of the occupations, viz.: Express companies, telegraph and wireless telegraph, gas, electric light, electric power or water works, or water and light plant business, collecting agency business, commercial agency business, commercial reporting credit agency business; business of foreign corporations owning stock cars, refrigerator and fruit cars, tank cars, furniture cars, common box and flat cars, and leasing, renting or charging mileage for the use of such cars within the State of Texas; business of owning, operating, leasing or renting pipe line or pipe lines; sleeping car, palace car, dining car business; life insurance business, fire insurance business, fire and marine insurance business, marine, marine and inland insurance company business; life and accident, life and health, accident, credit, title, steam boiler, live stock and casualty insurance business, surety and guaranty insurance company business; business of wholesale dealers in coal oil, naphtha, benzine and other mineral oils refined from petroleum, and defining wholesale dealers; brewery business and wholesale distributors or dealers in beer or malt liquors, and defining wholesale distributors and dealers; business commonly known as exchanges, and business commonly known as dealing in futures in agricultural products, articles of commerce, corporation stocks, other articles or commodities; business of blank book and legal blank publishers or manufacturers; the business of inter-urban, trolley, traction or street railway companies; and providing for the levy and collection of an occupation taxed herein on or after the beginning of the quarter as fixed herein; and providing for penalties for violation of the provisions of this act; and giving the State Revenue Agent authority to assist in the enforcement of the provisions of this act; and repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

"And to exempt all persons, associations of persons, firms and corporations

upon whose business an occupation tax is herein levied from the operation of the act approved April 17, 1905, of the Twenty-ninth Legislature, being Chapter 146 thereof, providing for the taxation of the intangible assets of certain corporations, associations and individuals, and to repeal all taxes levied upon the occupations herein taxed by the act approved April 17, 1905, of the Twenty-ninth Legislature, being Chapter 148 thereof, providing for the levying and collecting of taxes upon the gross receipts of certain individuals, firms and corporations, and to declare an emergency,"

Have had the same under consideration, and we beg leave to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Strike out of the caption wherever they occur the words "brewery business and wholesale distributors or dealers in beer or malt liquors, and defining wholesale distributors and dealers."

Also amending the bill by striking out Sections 10, 11 and 12 of the bill.

HARPER.

I join in this report, reserving the right to insist upon the retention in the bill of breweries and distributors of beer unless in case such concerns and dealers in other States doing business in this State would thereby be given an unjust advantage over similar concerns and people all of whose business is transacted in this State.

STOKES.

(Majority Report.)

Committee Room,

Austin, Texas, May 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 7, A bill to be entitled "An Act to amend Chapter 146, Acts of the Twenty-ninth Legislature, approved April 17, 1905, an act for the taxation of the intangible assets of certain corporations, associations and individuals, and to provide for the creation of a State Tax Board, for the valuation of such intangible assets, etc., known as the 'Intangible Assets Bill,'"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend by striking out the words "and

packing house" in the caption. Strike out the words "and packing house company" in Section 8, also amend the caption by inserting the words "telegraph companies, express companies, gas, electric light, electric power, pipe line companies, waterworks and water and light plant companies; street railway companies and interurban railway companies" after the words "toll company," in line 18, page 1.

Amend the caption by striking out all after the word "act," in line 27, down to and including the word "thereon," in line 31.

Amend by inserting after the word "toll company," in line 2 of Section 8, "telegraph companies, express companies, gas, electric light, electric power and pipe line companies; waterworks and water and light plant companies; street railway companies and interurban railway companies."

Amend Section 8 by striking out "1906" wherever the same appears in said section and insert in lieu thereof the figures "1907."

Amend Section 9 of the bill by adding thereto the following:

"Provided, that any individual, company, corporation or association embraced within the provisions of Section 8 of this act, who have not heretofore made out and delivered into the possession of said tax commissioner a statement containing the information required of it by this act for the year 1907, shall file such statement for the year 1907 not later than the 15th day of August, 1907, and provided further, that for the year 1907 it shall be the duty of said State Tax Board as soon as practicable after August 15th, 1907, to determine and fix the true cash value of such intangible property and report the same to the tax assessor of every county in this State in which any of said intangible property is taxable and the value thereof apportioned to said county, and the said property shall thereupon be assessed by the assessor for taxation in like manner as other property, and shall be equalized and taxed and the tax collected for 1907, as in the case of other property, but these two provisos shall apply to the year 1907 only."

Amend Subdivision "I" of Section 10 by adding thereto the following: "That each pipe line company shall include as a part of its gross receipts such sum or sums as it would have been compelled to pay out for conveying its own pro-

duct if another company had conveyed same for it."

Amend Subdivision "J" of Section 10 by inserting after the word "company," in the first line thereof, the following: "Every such street railroad company, telegraph company, interurban railroad company and pipe line company in addition to the above."

Amend Subdivision "J" of Section 10 by adding after the word "extend," line 2, of Sub-Section 3 thereof, the following: "The length of the line of the telegraph companies shall be estimated and stated according to its mileage of poles, conduits and cables, or either."

Amend Section 10 by adding thereto Sub-Section "K" as follows: "Every express company shall also, in addition to the foregoing requirements having application to such company show (1) its total gross receipts for all business done under its charter, whether or not within this State or outside of it during the next preceding twelve months; and (2) its total gross receipts within this State for the same kind of business done during the same period, including a due proportion of receipts from interstate business, and (3) its total gross receipts in each county in this State for the same kind of business done during the same period."

Amend Section 14, line 28, page 11 of the bill, by inserting after the word "company" the following: "Or of a telegraph company or of a pipe line company, or of an interurban railroad company."

Amend Section 16 by striking out all after the word "purposes," in line 13, page 13, and insert in lieu thereof the following: "And the said property shall thereupon be assessed by the assessor for taxation in like manner as other property, and shall be equalized and taxed, and the taxes collected as in the case of other property."

Amend Section 17, by striking out all after the word "shall," in line 4, of said section down to and including the word "board," in line 7, thereof, and insert in lieu thereof the following: "Fail or refuse to assess or fix the value of such intangible property so certified to by the said State Tax Board, as required by Section 16 of this act."

Amend the section numbers following Section 19 so to conform to the preceding numbers in the bill.

Amend the bill by striking out the second section after Section 19, being Section 21 as renumbered by the Senate

committee amendments and renumber the subsequent sections of the bill to conform thereto.

WILLACY, Chairman.

(Minority Report No. 1.)

Committee Room,

Austin, Texas, May 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Finance Committee, to whom was referred

House bill No. 7, A bill to be entitled "An Act to amend Chapter 146, Acts of the Twenty-ninth Legislature, approved April 17, 1905, 'An Act for the taxation of the intangible assets of certain corporations, associations and individuals, and to provide for the creation of a State Tax Board, for the valuation of such intangible assets,' etc., known as the 'Intangible Assets Bill,'"

Have had the same under consideration, and report the same back to the Senate with the recommendation that it do pass, with the Senate committee amendments, except the amendments of said Senate committee of Section 16 and Section 17 of said bill as it passed the House, and as to said sections we recommend that said bill do pass, as it passed the House of Representatives, without any change of said two sections above mentioned.

SKINNER,
HARPER.

(Minority Report No. 2.)

Committee Room,

Austin, Texas, May 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I, a minority of your Finance Committee, to whom was referred

House bill No. 7, A bill to be entitled "An Act to amend Chapter 146, Acts of the Twenty-ninth Legislature, approved April 17, 1905, 'An Act for the taxation of the intangible assets of certain corporations, associations and individuals, and to provide for the creation of a State Tax Board for the valuation of such intangible assets, etc., known as the 'Intangible Assets Bill.'"

Have had the same under consideration, and I report same back to the Senate with the recommendation that it do pass, without committee amendments, and as received from the House.

MURRAY.

Committee Room,

Austin, Texas, May 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Concurrent Resolution No. 2, Be it resolved by the Senate, the House of Representatives concurring, That the Comptroller be and is hereby authorized to draw warrants to pay the balance due and to become due to members, officers and employes of the Regular Session of the Thirtieth Legislature out of the appropriation made to pay the per diem pay of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature, and declaring an emergency."

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, May 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 62, A bill to be entitled "An Act appropriating the sum of \$7000, or so much thereof as may be necessary, to pay the mileage and per diem of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, May 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 59, "An Act to amend Sections 2, 3 and 4 of an act passed by the Thirtieth Legislature of the State of Texas, and approved April 30, A. D. 1907, entitled 'An Act to amend an act entitled an act to amend an act to amend an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on

the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 24, 1885; to create the Forty-third Judicial District of the State of Texas; fix the times for holding court therein, and to provide for the appointment of a district judge for said district, approved March 30, 1887; to create the Forty-eighth Judicial District of the State of Texas, fix the times for holding court therein and to fix the times for holding court in the Seventeenth Judicial District of the State of Texas, and to provide for the appointment of a district judge of the said Forty-eighth Judicial District, passed by the Twenty-second Legislature of the State of Texas, approved February 6, 1891, and being Chapter 3 of the General Laws of Texas of 1891, and to create the Sixty-seventh Judicial District of the State of Texas, fix the times for holding the district courts in Tarrant county, Texas, and to define the jurisdiction thereof, and to provide for the venue of cases in said courts, and to provide for the appointment of a district judge for the Sixty-seventh Judicial District of Texas, and to repeal all laws and part of laws in conflict herewith, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

GRINNAN, Acting Chairman.

Committee Room,

Austin, Texas, May 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 18, A bill to be entitled "An Act providing for the appointment of official stenographers for district courts by the judges thereof in all districts, to report cases, and make the report of such stenographer, when filed, the statement of facts of all evidence, both oral and written, introduced in the trial of cases; to provide for the compensation of such stenographers, declaring an emergency and repealing Chapter 60, page 84, Acts of the Twenty-eighth Regular Session of the Legislature, also Chapter 112, page 219, Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.